

City of Galveston



Department of Planning and Community Development

P. O. Box 779 / Galveston, Texas 77553-0779 / Ph (409) 797-3660 / Fax (409) 797-3661

AGENDA

ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

4:00 p.m., Wednesday, February 5, 2014

City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: January 8, 2014
- D. Old Business and associated Public Hearing:

13Z-43 (3821 Ave Q 1/2) Request for variances from the Galveston Zoning Standards Section 29-65 regarding side setback requirements. Property is legally described as North part of lots 2 & 3 & South 1/2 of Adjacent Avenue Q 1/2 (2002-1) South-West Block 110 Galveston Outlots, in the City and County of Galveston, Texas. Applicant and Property Owner: Santos Vargas

- E. New Business and associated Public Hearing:

14Z-03 (22921 Gulf Drive) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-One (1F-1) zoning district. Property is legally described as Lot 17, Block 1, and ¼, Undivided Interest of Residential D Block 1, a subdivision in the City and County of Galveston, Texas. Applicant and Property Owner: Ashok & Julieanne Mani

14Z-04 (23005 Gulf Drive) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-One (1F-1) zoning district. Property is legally described as Lot 21, Block 1, and ¼, Undivided Interest of Residential E Block 1, of Terramar Beach, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: San Luis Pass Acquisitions, LLC. c/o Dana Lee

- F. Adjournment

Prepared By:


Athena Petty, Planning Staff Assistant

Date Prepared:

January 27, 2014

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409 797-3510).

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING.

JAN 29 2014

POSTED

AB
1:30pm

MEMORANDUM

TO: William Clement, Chairperson and Zoning Board of Adjustment Members

FROM: Pete Milburn, Senior Planner
Planning Department

DATE: January 29, 2014

RE: **13Z-43 (3821 Ave Q 1/2)** Request for variances from the Galveston Zoning Standards Section 29-65 regarding side setback requirements. Property is legally described as North part of lots 2 & 3 & South 1/2 of Adjacent Avenue Q 1/2 (2002-1) South-West Block 110 Galveston Outlots, in the City and County of Galveston, Texas.
Applicant and Property Owner: Santos Vargas

The Zoning Board of Adjustment at their regular meeting of November 6, 2013, voted to continue the above referenced case until the February 5, 2014 regular meeting. This case was continued in order to allow the applicant 3 months to meet with Staff to determine a solution for the inappropriately constructed carport.

The following events have taken place since the ZBA meeting of November 6, 2013:

- January 21, 2014 – Applicant met with the Building Department to discuss options to remediate the construction. The Applicant informed the Building Department that he would be removing the structure.
- January 27, 2014 – Planning Staff called the applicant for an update to this case. The applicant informed Staff that he would be removing the wall and roof structure from within the setback requirement and submitting an application for a fence.

This was the first continuance of this case and there are no additional costs associated with the continuance.

xc: Rick Vasquez, Director
Planning Department

14Z-03 (22921 Gulf Drive) Request for variances from the Galveston Zoning Standards Section 29-65 regarding setback requirements in a One Family-One (1F-1) zoning district. Property is legally described as Lot 17, Block 1, and ¼, Undivided Interest of Residential D Block 1, a subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Ashok & Julieanne Mani

Case Manager: Janice Norman, Planner II, Zoning Administrator

Existing Zoning and Land Use:

Zoning	One Family-One (1F-1)
Land Use	Residential

Surrounding Zoning and Land Use:

	North	South	East	West
Zoning	One Family-One (1F-1)	Beach (B)	One Family-One (1F-1)	One Family-One (1F-1)
Land Use	Residential	Beach	Residential	Residential

Property Owner Notification as of February 5, 2014:

Sent	Returned	In Favor	In Opposition	No Comment
9				

Advertisement Date: January 24, 2014

City Department Notifications:

Airport:	Pending
Building Department:	Pending
Fire Chief:	Pending
Fire Marshal:	Pending
Police Department:	Pending
Public Works:	Pending

Private Utility Notifications:

A T & T:	Pending
CenterPoint Energy:	Pending
Comcast:	Pending
Texas Gas Service:	Pending

ANALYSIS

The applicant is requesting a variance from the Galveston Zoning Standards Section 29-65 (g) (1) (g) regarding side yard setback requirements in order to build a new home on a beachfront lot that is irregularly shaped. The Galveston Zoning Standards Section 29-90 (j) (1) (h) states that paving or altering the ground below the lowest habitable floor is prohibited in the area between the line of vegetation and 25-feet landward of the north toe of the dune in order to comply with Section 29-90, the applicant will have to move the house as far landward as possible, which will eliminate the side yard setbacks. Please reference Attachment "A" survey/site plan.

1. Variance regarding setbacks in the One Family-One (1F-1) zoning district

Please reference the table below for the required setbacks for single-family residential development in the One Family-One (1F-1) zoning district, per Section 29-65. The setbacks for the new construction are also shown below:

Zoning District: One Family-Four (1F-4)

Setback	Front Yard	Side Yard	Rear Yard
Required	20'	5'	10'
Proposed	20'	0'	26.9'+

Variance(s) Requested - the applicant is requesting variances from the following:

- Side yard setback – from 5' to 0' (in the front portion of the house)

Applicant's Justification

"In order to construct a new house on the lot and comply with Section 29-90 of the Galveston Beach Regulations a variance is required".

CONDITIONS FOR A VARIANCE

The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 14.401.C. in Article 14, Administrative Bodies, and if the Board makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - i. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience or inconvenience; or
 - c. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - ii. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals and general welfare of the community.
4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).

6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.

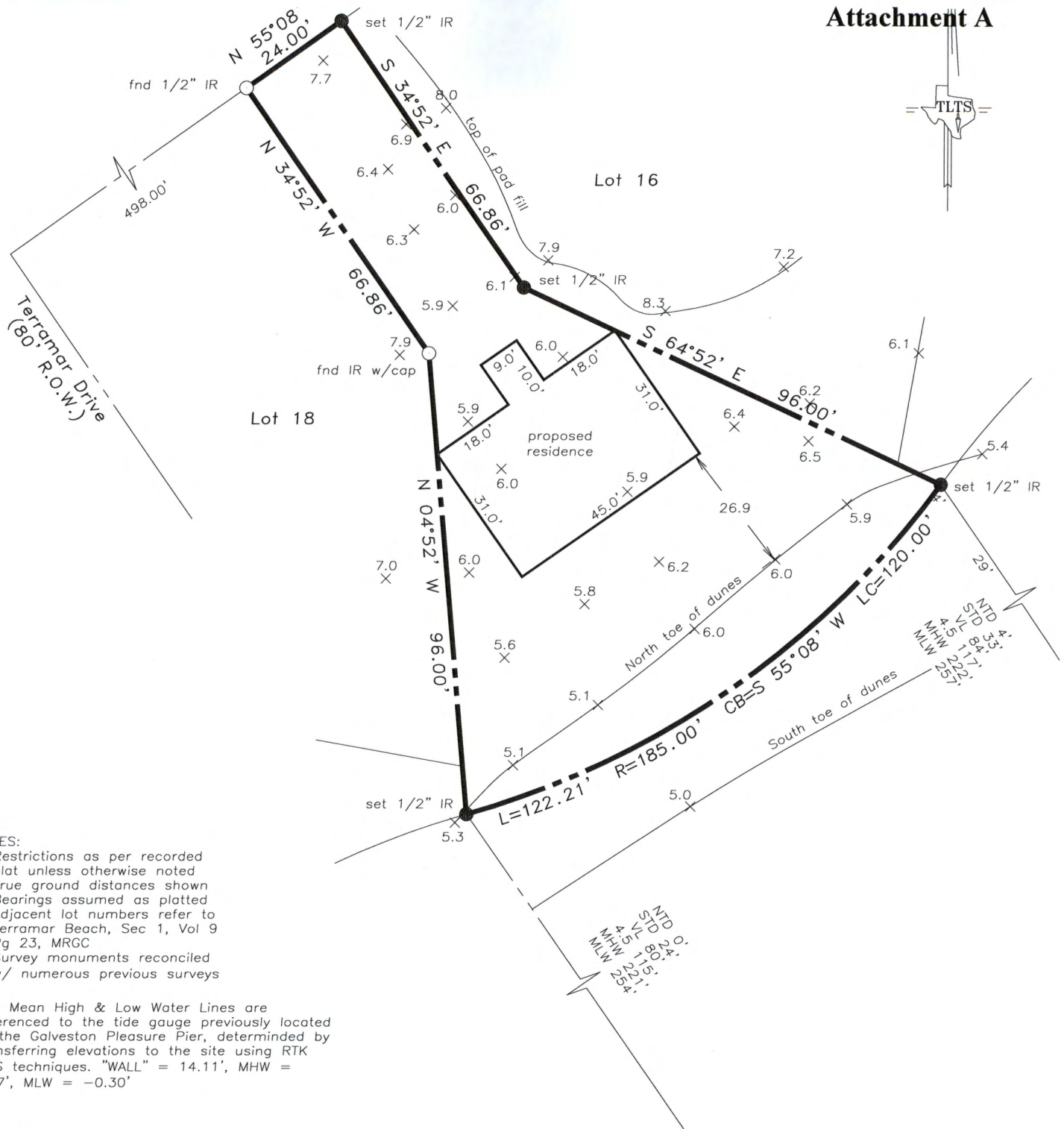
APPEAL FROM DECISION OF BOARD

In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

“A” – Aerial Map

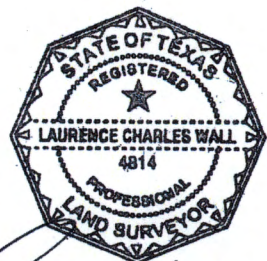
“B” – Survey/ Site Plan



TOPOGRAPHIC SURVEY OF Lot 17R of "22921 GULF DRIVE", a subdivision in Galveston County, Texas, according to the plat recorded in Plat 2014A, Map No. 2, of the Map Records of Galveston County, Texas.

Vacant property: 22921 Gulf Drive
Galveston County, Texas
To Clifford F. Smith, Myra E. Smith
and Egret Bay Builders;

I hereby certify that this survey was made on the ground under my direct supervision and that this plat correctly represents the facts found at the time of the



Laurence C. Wall

Laurence C. Wall
RPLS #4814
January 21 2014

Verano

Attachment B

Termini-San Luis Pass

Gulf

22915

22911

22919

22927

22923

23003

Subject Location



14Z-03 22921 Gulf Drive

Map prepared by the Department of Planning and Community Development (normanjan) - 1/23/2014
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 30 60 120 Feet

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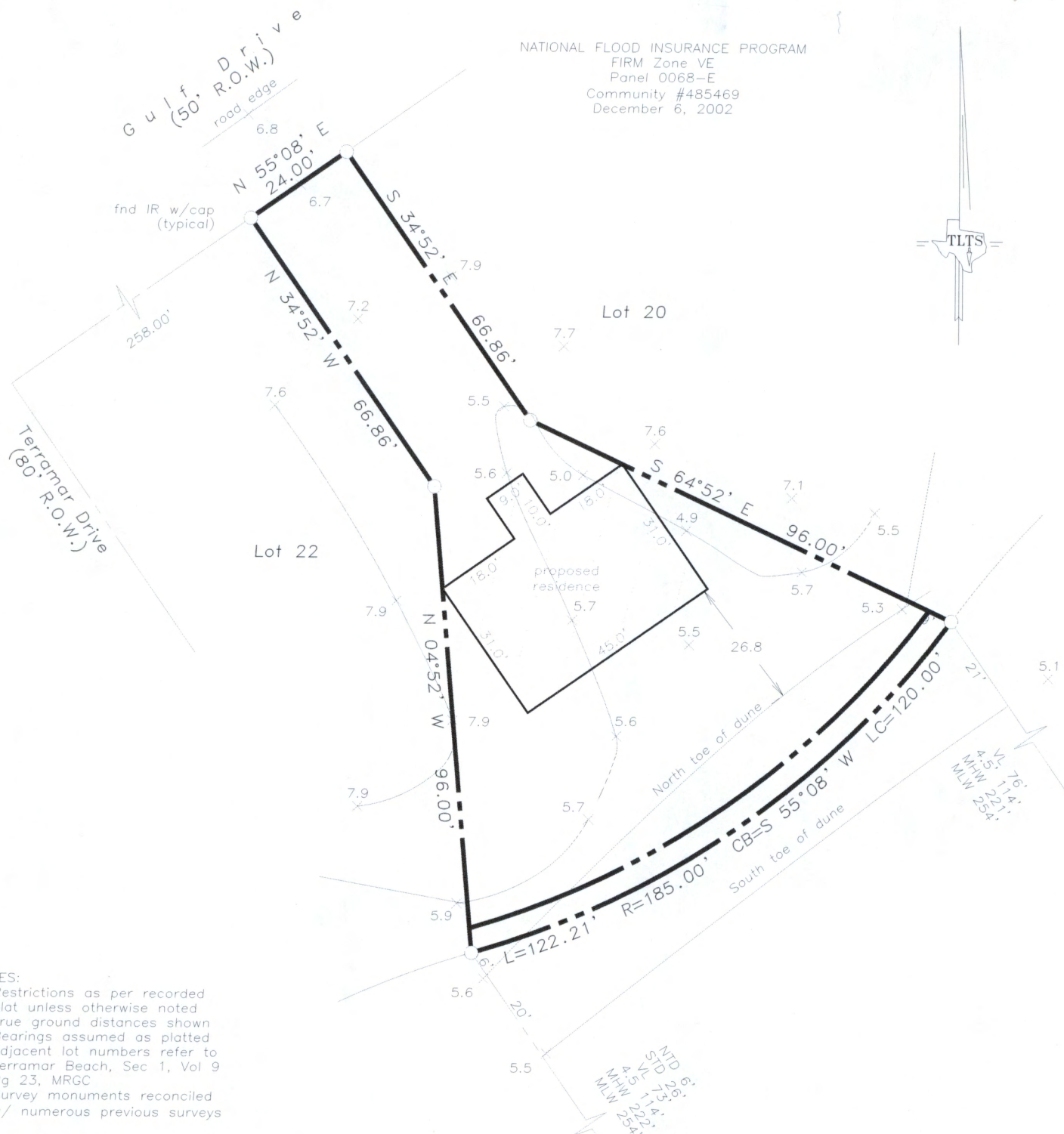
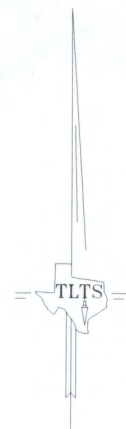
In accordance with Section 29-112, any person aggrieved by any decision of the Board, or any officer, department or other Board of the City, may appeal the decision or action of the Board by filing a petition for the same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the Court within ten (10) days from the day the Board renders its decision, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

ATTACHMENTS

“A” – Survey/Site Plan

“B” – Aerial

NATIONAL FLOOD INSURANCE PROGRAM
FIRM Zone VE
Panel 0068-E
Community #485469
December 6, 2002



- NOTES:
- Restrictions as per recorded plat unless otherwise noted
 - True ground distances shown
 - Bearings assumed as platted
 - Adjacent lot numbers refer to Terramar Beach, Sec 1, Vol 9 Pg 23, MRGC
 - Survey monuments reconciled w/ numerous previous surveys

The Mean High & Low Water Lines are referenced to the tide gauge previously located at the Galveston Pleasure Pier, determined by transferring elevations to the site using RTK GPS techniques. "WALL" = 14.11', MHW = 1.17', MLW = -0.30'

Scale: 1" = 30'



TOPOGRAPHIC SURVEY OF Lot 17R of "23005 GULF DRIVE", a subdivision in Galveston County, Texas, according to the plat





14Z-04 23005 Gulf Drive

Map prepared by the Department of Planning and Community Development (normanjan) - 1/23/2014
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